

NOTICES OF PUBLIC INFORMATION

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rule-making information that does not fit into any other category of notice; and other types of information required by statute to be published in the *Register*. Because of the variety of material that is contained in a Notice of Public Information, the Office of the Secretary of State has not established a specific format for these notices.

NOTICE OF PUBLIC INFORMATION

DEPARTMENT OF ENVIRONMENTAL QUALITY

[M10-224]

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| 1. <u>Name of the Agency:</u> | Department of Environmental Quality |
| <u>Title and its heading:</u> | 18, Environmental Quality |
| <u>Chapter and its heading:</u> | 6, Department of Environmental Quality – Pesticides and Water Pollution Control |
| <u>Article and its heading:</u> | 3, Groundwater Protection List |
| <u>Section and its heading:</u> | R18-6-301, Groundwater Protection List |

2. The public information relating to the listed statute:

Pursuant to A.R.S. § 49-305, the Arizona Department of Environmental Quality (Department) maintains a Groundwater Protection List (GWPL) composed of agricultural use pesticides and active ingredients that have the potential to pollute groundwater. The statute requires the Department to place a pesticide identified under A.R.S. § 49-303(C)(2) and (3) on the GWPL, and to regulate the use of the pesticide if the pesticide is intended for application to or injection into the soil by ground-based application equipment or chemigation, or the label of the pesticide requires or recommends that the application be followed within 72 hours by flood or furrow irrigation.

3. Draft 2010 Groundwater Protection List

The GWPL is a list of agricultural use pesticide active ingredients that have the potential to pollute groundwater. An agricultural use pesticide active ingredient is placed on the GWPL for any of the following reasons: 1) it fails to comply with the established specific numeric values, 2) the environmental fate assessment indicates potential to leach to groundwater, or 3) an active ingredient or degradation product has been detected in groundwater consistent with established testing requirements.

Pursuant to A.A.C. R18-6-301, the Department is publishing the draft 2010 GWPL to provide an opportunity for the public to comment on the active ingredients being placed on or removed from the GWPL. The final 2009 GWPL contained 73 active ingredients; the draft 2010 GWPL would add three new active ingredients: Flazasulfuron, Saflufenacil and Tebuconazole. With this publication, a 30-day public review and written comment period begins. After completion of the 30-day review and comment period, the Department will formulate a response to any comments submitted and consider making modifications to the GWPL in response to the comments. If no comments are received, the draft GWPL becomes final. If comments are received, the revised GWPL will then be re-published in the *Arizona Administrative Register*, including a summary of comments received and the Department's response to the comments. The final 2010 GWPL will become effective on December 1, 2010, in accordance with R18-6-301(A)(3).

Draft 2010 Groundwater Protection List		
	CAS Number	Chemical Name
1.	94-75-7	2,4-D Acid
2.	1928-43-4	2,4-D 2-Ethylhexyl Ester
3.	1929-73-3	2,4-D Butoxyethyl Ester
4.	5742-19-8	2,4-D Diethanolamine Salt
5.	2008-39-1	2,4-D Dimethylamine Salt
6.	5742-17-6	2,4-D Isopropylamine Salt
7.	94-11-1	2,4-D Isopropyl Ester of
8.	32341-80-3	2,4-D Trisopropanolamine Salt
9.	135158-54-2	Acibenzolar-S-Methyl
10.	1912-24-9	Atrazine
11.	131860-33-8	Azoxystrobin
12.	314-40-9	Bromacil
13.	53404-19-6	Bromacil, Lithium Salt

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14.	63-25-2	Carbaryl
15.	128639-02-1	Carfentrazone-Ethyl
16.	50008-15-1	Chlorantraniliprole*
17.	1702-17-6	Clopyralid
18.	420-04-2	Cyanamide
19.	113136-77-9	Cyclanilide
20.	52918-63-5	Deltamethrin
21.	13684-56-5	Desmedipham
22.	1918-00-9	Dicamba
23.	25059-78-3	Dicamba, DEA Salt
24.	104040-79-1	Dicamba, DGA Salt
25.	2300-66-5	Dicamba, DMA Salt
26.	10007-85-9	Dicamba, Potassium Salt
27.	1982-69-0	Dicamba, Sodium Salt
28.	110488-70-5	Dimethomorph
29.	165252-70-0	Dinotefuran
30.	330-54-1	Diuron
31.	144-21-8	DSMA (Disodium Methanearsonate)
32.	137512-74-4	Emamectin Benzoate
33.	115-29-7	Endosulfan
34.	104040-78-0	Flazasulfuron*
35.	158062-67-0	Fonicamid
36.	335104-84-2	Flubendiamide
37.	142459-58-3	Flufenacet (Thiafluamide)
38.	193740-76-0	Fluoxastrobin
39.	66332-96-5	Flutolanil
40.	77182-82-2	Glufosinate-Ammonium
41.	112226-61-6	Halofenozide
42.	100784-20-1	Halosulfuron-Methyl
43.	114311-32-9	Imazamox
44.	104098-48-8	Imazapic
45.	81335-77-5	Imazethapyr
46.	101917-66-2	Imazethapyr, Ammonium Salt
47.	138261-41-3	Imidacloprid
48.	330-55-2	Linuron
49.	128-58-3	MAA (Methanearsonic Acid)
50.	374726-62-2	Mandipropamid
51.	12427-38-2	Maneb
52.	16484-77-8	Mecoprop-P (MCP-P)
53.	70630-17-0	Mefenoxam
54.	208465-21-8	Mesosulfuron-Methyl
55.	16752-77-5	Methomyl
56.	161050-58-4	Methoxyfenozide
57.	21087-64-9	Metribuzin
58.	2163-80-6	Monosodium Methanearsonate (MSMA)
59.	111991-09-04	Nicosulfuron
60.	23135-22-0	Oxamyl
61.	1610-78-0	Prometon

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62.	7287-19-6	Prometryn
63.	18311274-15-7	Propoxycarbazone-sodium
64.	94125-34-5	Prosulfuron
65.	123312-89-0	Pymetrozine
66.	123343-16-8	Pyriithiobac Sodium
67.	84087-01-4	Quinclorac
68.	372137-35-4	Saflufenacil*
69.	81591-81-3	Sulfosate
70.	107534-96-3	Tebuconazole*
71.	112410-23-8	Tebufenozide
72.	153719-23-4	Thiamethoxam
73.	55335-06-3	Triclopyr
74.	117718-60-2	Thiazopyr
75.	199119-58-9	Trifloxysulfuron-Sodium
76.	95266-40-3	Trinexapac-Ethyl

Bold text indicates ingredients that have been found historically in Arizona groundwater.

Asterisk (*) indicates new addition to the GWPL

4. The name and address of agency personnel with whom persons may communicate:

Name: Moses A. Olade, Pesticide Program Coordinator
 Address: Department of Environmental Quality
 1110 W. Washington St.
 Phoenix, AZ 85007
 Telephone: (602) 771-4552 (in Arizona: 1-800-234-5677; ask for seven-digit extension)
 E-mail: mao@azdeq.gov
 Fax: (602) 771-4505

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

There is no public hearing associated with establishment of the GWPL. The Department will accept written comments on the draft GWPL for 30 days following publication of this Notice. If there are any changes, the Department will publish the revised and final 2010 GWPL in the *Arizona Administrative Register*.

NOTICE OF PUBLIC INFORMATION

LAWS 2010, CH. 287

**Revisions to the Rulemaking Process in the Administrative Procedures Act
 Extension of the Rulemaking Moratorium Through Fiscal Year 2011**

[M10-191]

1. Reason for the Notice of Public Information:

Laws 2010, Ch. 287 revised the Administrative Procedure Act and extended the moratorium on rulemaking through fiscal year 2011

2. Effective date of Laws 2010, Ch. 287:

July 29, 2010

3. Summary of Laws 2010, Ch. 287:

Revises the rulemaking process by expanding the use of summary rulemaking, authorizing a general permit and expanding the role of the governor's Office of Strategic Planning and Budgeting.

Requires the rule's benefits to outweigh its probable costs and the agency to demonstrate it selected the least burdensome and costly alternative. (Strikes the requirement for this to be by clear and convincing evidence).

Expands the requirements for the Economic, Small Business and Consumer Impact Statement.

For the agency's five-year review, requires a determination that the rule imposes the least burden and cost to the regulated community.

During an appeal of an agency rule, outlines an additional reason for filing an objection.

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Extends the rulemaking moratorium on rulemaking through fiscal year 2011

(Excerpted from Arizona House of Representatives House Majority Research Memorandum of April 28, 2010. Available online at www.azleg.gov.)

4. Contact for rulemaking moratorium questions:

Communications regarding exceptions to the moratorium, or questions regarding the moratorium generally, should be addressed to Richard Bark, Deputy Chief of Staff, Policy, at rbark@az.gov.

5. Location of full text of Laws 2010, Ch. 287:

The entire text of Laws 2010, Ch. 287 is available online at www.azsos.gov under Legislative Filings.

NOTICE OF PUBLIC INFORMATION

LAWS 2009, 3RD SPECIAL SESSION, CH. 7, § 28

(“Moratorium on rule making relating to increased monetary or regulatory costs; exceptions; definitions”)

[M09-429]

1. Reason for the Notice of Public Information:

Laws 2009, 3rd Special Session, Ch. 7, § 28 enacted into law a moratorium on rulemaking through June 30, 2010.

2. Effective date of Laws 2009, 3rd Special Session, Ch. 7, § 28:

November 24, 2009

3. Text of Laws 2009, 3rd Special Session, Ch. 7, § 28:

Sec. 28. Moratorium on rule making relating to increased monetary or regulatory costs; exceptions; definitions

A. Notwithstanding any other law, for fiscal year 2009-2010, an agency shall not conduct any rule making, including an informal rule making process, that would impose increased monetary or regulatory costs on other state agencies, political subdivisions of this state, persons or individuals or would not reduce the regulatory burden on the persons or individuals so regulated.

B. Subsection A of this section does not apply to rule making for any of the following:

1. An authorization or requirement enacted by the legislature after January 1, 2009 or as authorized by the governor after January 22, 2009.
2. To avoid a violation of a court order or federal law that would result in sanctions by the court or federal government to an agency in fiscal year 2009-2010 for failure to conduct the rule making action.
3. To prevent a threat to the public health, peace or safety.
4. To fulfill an obligation related to fees, rates, fines or regulations that are expressly delineated in the constitution of this state.
5. To implement or comply with the fiscal year 2009-2010 state budget or the American recovery and reinvestment act of 2009 (P.L. 111-5).
6. A rule or other item that is exempt from title 41, chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
7. To eliminate or replace archaic or illegal rules.

C. An agency shall not conduct any informal or formal rule making pursuant to this section without the prior written approval of the office of the governor. This subsection does not apply to any agency that is independent of the office of the governor, including any agency that is headed by a single elected official or the corporation commission.

D. For the purposes of this section, “agency”, “person”, “rule” and “rule making” have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.

4. Governor’s Office contact information:

Communications regarding written approval of the office of the governor should be addressed to Richard Bark, Deputy Chief of Staff, Policy at rbark@az.gov.